

Response to Advisory Action of May 29, 2008  
09/839,697

### **REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

In addition, the Applicants' representative would like to thank Examiner Nguyen for kindly taking a substantial amount of time on July 8, 2008 to discuss the merits of the subject invention. The Applicants' representative is aware of the time constraint that is placed on the Examiner and is appreciative of the Examiner's willingness to devote such large quantity of time to discuss the case on the merits.

### **I. REJECTION OF CLAIMS 1, 3-20 AND 22-40 UNDER 35 U.S.C. § 103**

#### **A. Claims 1, 3-14, 17-20, 22-33 and 36-40**

The Examiner has rejected claims 1, 3-14, 17-20, 22-33 and 36-40 under 35 U.S.C. §103(a) as being unpatentable over the Calver application (United States Patent Application Publication No. 2001/0032092, published on October 18, 2001, hereinafter "Calver") in view of the Janssen patent (United States Patent No. 6,098,062, issued August 1, 2000, hereinafter "Janssen"). In response, the Applicants have amended independent claims 1, 20, 39, and 40 in order to more clearly recite aspects of the present invention.

In particular, the Applicants respectfully submit that Calver and Janssen, singly or in any permissible combination, fail to disclose or suggest the novel invention of generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of queries; (2) the user's responses to the template queries; (3) supporting evidence provided by the user in connection with the responses; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result, as recited by Applicants' independent claims 1, 20, 39, and 40.

Specifically, independent claims 1, 20, 39, and 40 recite:

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1. An analytical system for facilitating decision making by generating and accessing arguments, wherein each of the arguments supports an associated conclusion as to whether a given situation will likely have a negative or positive result, the analytical system comprising:

a database for storing a plurality of templates, each of the plurality of templates including a plurality of queries which when responded to generate a particular argument supporting an associated conclusion regarding a particular situation, the associated conclusion based on responses to associated template queries; and

an argument server comprising:

means for a user to select one of the plurality of templates which is most relevant to the given situation;

means for receiving responses to one or more queries of the one of the plurality of templates from said user;

means for receiving supporting evidence from said user in response to said one or more queries of the one of the plurality of templates, the supporting evidence being relied on by the user to form at least one of the responses;

means for associating said supporting evidence received from said user with said responses to said one or more queries;

means for evaluating said responses to determine whether the given situation will likely have a positive or negative result;

means for generating a new argument supporting a conclusion of the evaluating, the new argument comprising the one of the plurality of templates, the responses, the supporting evidence, and the conclusion; and

means for publishing said new argument, including said one of the plurality of templates, said responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

20. A method for facilitating decision making by accessing or generating an argument supporting a conclusion for a given situation, the method comprising:

presenting to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries;

receiving from said user a selection of one of said plurality of searchable templates, said one of said plurality of searchable templates being a relevant template most related to the given situation;

receiving from said user one or more responses to one or more queries of the relevant template;

receiving from said user supporting evidence in response to said one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

associating said supporting evidence received from said user with at least one of said one or more queries for which a response has been received;

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evaluating said one or more responses to determine whether the given situation will likely have a positive or negative result;

forming a new argument supporting a conclusion of the evaluating, the new argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion; and

publishing said new argument, including said relevant template, said one or more responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

39. A computer readable medium containing program instructions for facilitating decision making by accessing or generating an argument supporting a conclusion for a given situation, the computer readable medium comprising:

computer code for presenting to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries;

computer code for receiving from said user a selection of one of said plurality of searchable templates, said one of said plurality of searchable templates being a relevant template most related to the given situation;

computer code for receiving from said user one or more responses to one or more queries of the relevant template;

computer code for receiving from said user supporting evidence in response to said one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

computer code for associating said supporting evidence received from said user with at least one of the one or more queries for which a response has been received;

computer code for evaluating said one or more responses to determine whether the given situation will likely have a positive or negative result;

computer code for forming a new argument supporting a conclusion of the evaluating, the new argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion;  
or

computer code for publishing said new argument, including said relevant template, said one or more responses, said supporting evidence, and said conclusion, for review; and

a computer readable medium that stores the computer codes. (Emphasis added)

40. A computer system operable facilitate decision making by accessing or generating an argument supporting a conclusion for a given situation, the computer system comprising:

one or more processors;

one or more memory, wherein at least one of the processors and memory are adapted to:

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present to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries;  
receive from said user a selection of one of said plurality of searchable templates, said one of said plurality of searchable templates being a relevant template most related to the given situation;  
receive from the user one or more responses to one or more queries of the relevant template;  
receive from the user supporting evidence in response to the one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;  
associate the supporting evidence received from said user with at least one of the one or more responses;  
evaluate the one or more responses to determine whether the given situation will likely have a positive or negative result;  
form a new argument supporting a conclusion as to whether the given situation is likely to have a positive or negative result, the new argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion; and  
publish the new argument, including the relevant template, one or more responses, the supporting evidence, and the conclusion, for review.  
(Emphasis added)

As discussed above, a published argument, as claimed by the Applicants, comprises four main components: (1) a template selected by a user and including a plurality of queries; (2) the user's responses to the template queries; (3) supporting evidence provided by the user in connection with the responses; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result. Once the conclusion is generated, all four of these components are published so that the user, or another individual viewing the published argument, can follow the line of reasoning that led to the conclusion.

The Applicants respectfully submit that, even when combined, Calver and Janssen simply do not teach, show, or suggest publishing an argument that includes all of the components claimed by the Applicants. Specifically, the combination of Calver and Janssen fails to teach a published argument that includes a template (queries), user responses, user-provided supporting evidence, and an associated conclusion.

Calver's "published argument" fails to include queries posed to a user (*i.e.*, a "template"), the user's responses to the queries, or user-provided supporting evidence

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supporting the user's responses. The only end result (*i.e.*, "argument") that could be considered "published" by Calver is a list of "the types of products that can benefit the user" (See, *e.g.*, Calver at paragraph 0078). Thus, Calver's "published argument" comprises, at most, a conclusion and nothing more. Although Calver does pose questions to a user at different points in the process of generating a recommendation ("conclusion"), neither these questions nor the user's answers to the questions are ultimately published with the recommendation.

Moreover, Calver does not teach allowing a user to provide supporting evidence to support his or her responses to template queries, much less publishing this user-provided supporting evidence. To support these features, the Examiner cites a portion of Calver that gives a user the option to have links presented to him or her containing product information about the products that are recommended. As previously argued by the Applicants, this information is not provided by the user and does not support the user's responses to the template queries. Rather, the information is provided by the system and simply provides additional information about recommended products. Thus, this information may at best be considered part of the system's conclusion. Thus, Calver clearly does not publish, along with the list of suggested products (the "conclusion"), the queries (template) that the user responded to, the user's responses, or any user-provided supporting evidence.

Janssen, likewise, does not teach or suggest publishing an argument that includes all of the components claimed by the Applicants. Specifically, Janssen's "published argument" fails to include queries posed to a user (*i.e.*, a "template") or the user's responses to the queries. The only end result (*i.e.*, "argument") that could be considered "published" by Janssen is "data corresponding to a hypotheses and its corresponding counter-hypothesis, data corresponding to grounds provide a basis for inference of the hypothesis or its corresponding counter-hypothesis, data corresponding to a warrant linking the grounds to the hypothesis or its corresponding counter-hypothesis, and data corresponding to backing that certifies the warrant" (See, *e.g.*, Janssen, Abstract). Thus, Janssen's "published argument" comprises, at most, a conclusion and supporting evidence.

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Janssen's "published argument" does not include queries posed to a user or the user's responses to the queries. Janssen, in fact, does not even present queries to a user; much less receive responses to queries. Rather, Janssen works backwards from the hypothesis ("conclusion") and allows a user to provide the grounds ("supporting evidence") for the conclusion. Thus, the argument structure that is "published" by Janssen clearly does not include queries (*i.e.*, a "template") or a user's responses to those queries.

The Examiner submits in the Final Office Action that the Applicants are arguing against Calver and Janssen individually (See, Final Office Action, Page 20). The Applicants respectfully submit that they are not arguing against Calver and Janssen individually, but merely assessing the teachings of Calver and Janssen individually in order to show that the combination of Calver and Janssen cannot support a *prima facie* case of obviousness. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP 2143.03). In the present application, there are certain features of the claimed invention, namely, the publication of a template and user responses to queries in the template, that neither Calver nor Janssen teaches or suggests. If neither Calver nor Janssen teaches these features, then the combination of Calver and Janssen likewise cannot teach these features and cannot support a *prima facie* case of obviousness.

Moreover, the Applicants submit that Calver actually teaches away from combination with Janssen. The Examiner explains at length in the Final Office Action that, essentially, "omission of a teaching is not teaching away" (Final Office Action, Page 20). The Applicants respectfully submit, however, that they are not arguing that Calver and Janssen teach away from each other based on an omission. Rather, Calver and Janssen teach away from each other because the line of development flowing from Calver's disclosure is unlikely to be productive of the result sought by Janssen, and vice versa.

In particular, the Applicants submit that Calver and Janssen teach processes that are the reverse of each other. Calver, for example, begins with a question for which a conclusion is sought (*e.g.*, what products or services is a user likely to be interested

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in?), and works toward the conclusion through a series of questions posed to the user. Janssen, by contrast, begins with a conclusion (hypothesis), and works away from the conclusion by building support for or against it.

Consider the result sought by Calver: to recommend products in which a user is likely interested. If Calver were to start by hypothesizing that a user were interested in a particular product, without first soliciting any information from the user (e.g., as taught by Janssen), a lengthy process of trial and error would likely result before a product in which the user is interested is identified. This would render the process of Calver unsatisfactory for its intended purpose, namely, to provide information that is "tailored to the needs and requirements of the customer" (Calver, Paragraph 0015). "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" (MPEP 2143.01 (V)). Thus, the line of development flowing from Janssen simply does not lend itself to a process in which a universe of options is gradually narrowed, as taught by Calver.

On the other hand, consider the result sought by Janssen: to build support for or against an already generated hypothesis. If Janssen were to start by first asking questions of a user, without a conclusion already in place (e.g., as taught by Calver), this would clearly change Janssen's entire principle of operation. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" (MPEP 2143.01 (VI)). Thus, the line of development flowing from Calver simply does not lend itself to a process in which a conclusion is already in place and need only be provided with support.

Thus, the Applicants respectfully submit that the disclosure of Calver teaches away from combination with Janssen. Moreover, as discussed above, even if the combination of Calver and Janssen were appropriate, the combination still fails to teach, show, or suggest every feature of the Applicants' claimed invention. Specifically, the combination of Calver and Janssen fails to teach a published argument that includes a template (queries), user responses, user-provided supporting evidence, and an

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associated conclusion, as recited by the Applicants' independent claims 1, 20, 39, and 40.

Accordingly, the Applicants submit that for at least the reasons set forth above, independent claims 1, 20, 39 and 40 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Dependent claims 3-14, 17-19, 22-33 and 36-38 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3-14, 17-19, 22-33 and 36-38 are not made obvious by the teachings of Calver in view of Janssen. Therefore, the Applicants submit that dependent claims 3-14, 17-19, 22-33 and 36-38 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### **B. Claims 15-16 and 34-35**

The Examiner has rejected claims 15-16 and 34-35 under 35 U.S.C. §103(a) as being unpatentable over Calver in view of Janssen and further in view of the Grosser et al. patent (United States Patent No. 6,826,552, issued November 30, 2004, hereinafter "Grosser"). The Applicants respectfully traverse the rejection.

As discussed above, the teachings of Calver and Janssen, singly or in any permissible combination, fail to disclose or suggest the novel invention of generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of queries; (2) the user's responses to the template queries; (3) supporting evidence provided by the user in connection with the responses; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result. Grosser fails to bridge this gap in the teachings of Calver and Janssen. Therefore, the Applicants submit that for at least the reasons set forth above, independent claims 1 and 20 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 15-16 and 34-35 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 15-16 and 34-35 are not made obvious by the teachings



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of Calver in view of Janssen and further in view of Grosser. Therefore, the Applicants submit that dependent claims 15-16 and 34-35 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

## **II. SUBSTANCE OF INTERVIEW OF JULY 8, 2008**

The Applicants submit the following statement regarding the substance of the interview of July 8, 2008.

- A) No exhibits or demonstrations were conducted.
- B) Independent claims 1, 20, 39, and 40 were discussed.
- C) The Calver and Janssen references were discussed.
- D) Several amendments to the claims were discussed.
- E) No other pertinent matters were discussed.
- F) Examiner Nguyen made several suggestions for claim amendments that the Applicants agreed to incorporate in a request for continued examination.

## **III. CONCLUSION**

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.


If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

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